

The Gazette



of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, MONDAY, OCTOBER 11, 1948

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 11th October, 1948

ORDINANCE No. XXVIII OF 1948

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ORDINANCE

to provide for the registration and control of ships owned in Acceding States.

WHEREAS an emergency has arisen which makes it necessary to provide for the registration and control of ships owned in Acceding States;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Merchant Shipping (Acceding States) Ordinance, 1948.

(2) It extends to the whole of India, and applies—

(a) to the following persons, wherever they may be, namely, British Indian subjects, British subjects (other than British Indian subjects) who are domiciled in any part of India, and the Rulers and subjects of Acceding States;

(b) to, and to persons on, any State ship as defined in section 2, wherever it may be; and

(c) to the master, the owners and the agents of the owners of a State ship as defined in section 2, wherever they may be.

(3) It shall come into force at once.

2. "State ship" defined.—In this Ordinance, "State ship" means any ship which is owned—

(a) wholly by one or more of the following persons, namely, (i) Rulers and subjects of Acceding States; and (ii) bodies corporate established under and subject to the laws of any Acceding State; or

(b) partly by one or more of the persons specified above and partly by one or more of the following persons, namely, (i) British subjects; and (ii) bodies corporate established under and subject to the laws of any part of His Majesty's Dominions (other than Acceding States).

3. Registry of State ships.—(1) Every State ship, not being a ship of fifteen tons burden or less which is employed solely in navigation on the rivers and coasts of India, shall be registered under this Ordinance as soon as may be after the commencement thereof.

(2) The provisions of Part I of the Merchant Shipping Act, 1894 (57 and 58 Vict. c. 80), shall apply to, and in respect of such registration, subject to any adaptations and modifications made by rules notified under section 7.

(3) A ship required by this section to be registered, may be detained by any person authorised by the Central Government in that behalf, until the master of the ship produces the certificate of its registry.

4. Application of Act XXVI of 1947 to State ships.—The Control of Shipping Act, 1947 (XXVI of 1947), shall apply to, and in respect of, a State ship and to the master, owners or agents of the owners thereof, whether the ship has been registered or not, in the same manner as it would apply to, and in respect of, a ship registered in a port of registry in a Province of India and to the master, owners or agents of the owners of a ship so registered.

5. Restriction on the transfer of State ships.—(1) No person shall transfer or acquire any State ship, or any share or interest in a State ship, without the previous approval of the Central Government; and any transaction effected in contravention of this provision shall be void and unenforceable.

(2) Any person who purports or attempts to transfer or acquire any State ship or any share or interest in a State ship in contravention of sub-section (1), or who abets or attempts to abet any such contravention, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

6. Restriction on the transfer of the registry of State ships.—Where any State ship has been registered in a port of registry in India, no application for the transfer of such registry to a port of registry outside India shall be sanctioned without the previous approval of the Central Government; and the Central Government may refuse to accord such approval, if, in its opinion, it is necessary or expedient to do so for the purpose of conserving the strength of Indian registered merchant shipping.

7. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

C. RAJAGOPALACHARI,
Governor-General.

K. V. BHANDARKAR,
Secy. to the Govt. of India.